



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

1244 Speer Boulevard
Denver, CO 80204

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Reply to
Attn. of: CCFP-122

Subject: Policy Clarification on Adult Day Care Provisions - Title III Meal Funding

To: STATE AGENCY DIRECTORS - Colorado DH, Iowa, Kansas, Missouri DH,
(Special Nutrition Programs) Montana DHES, Nebraska ED, North Dakota,
South Dakota, Utah and Wyoming ED

Questions have arisen relative to the implementation of the adult day care amendments. Given the need to respond to these questions in as timely a fashion as possible and to ensure that the responses get universal dissemination, our National Office will issue memoranda dealing with these questions on an "as needed" basis to all regions. This is the first such policy clarification and addresses issues related to Title III.

Several questions have been raised regarding meal service funds made available to adult day care centers under Title III of the Older American's Act of 1965 (OAA), as amended, and their relationship to meals served in adult day care centers under the Child Care Food Program (CCFP). Consultations with the Department of Health and Human Services' Administration on Aging (AOA), the Federal entity responsible for the programs authorized under the OAA, have resulted in the following policies and clarifications on Title III and CCFP funding of meals in adult day care centers.

Means Tests in Adult Day Care Centers

The AOA has declared it the intent of Congress to prohibit means testing for the receipt of benefits under Title III. Since the AOA has been the primary Federal entity involved in centers which provide services to older persons, its policy of "no means tests" has been fixed in the philosophy of providing these services. Based on the foregoing, there seems to be a belief on the part of those who administer services under Title III at the State level that the "no means test" policy must extend to all aspects of their programs, including non-AOA meal services. Contrary to this belief, with regard to meal services, the "no means test" policy need extend only to meals supported with Title III funds. Therefore, while adult day care centers may not require a means test to receive benefits under Title III of the OAA, they are not prohibited from requiring family size and income information for benefits provided under the CCFP.

Duplicate Reimbursement Under Title III and the CCFP

Public Law 100-175 requires that CCFP regulations "contain provisions designed to assure that (CCFP) reimbursement ... shall not duplicate reimbursement under Part C of Title III of the Older American Act of 1965,

for the same meal served." The conference report which accompanied the legislation clarified this provision by stating that adult day care centers could receive funds under both the CCFP and Title III, but that they "...could not, however, receive benefits or reimbursement from both programs for the same meal served." We believe that Congressional intent is clear in this regard. A single meal may not be supported by funds from both CCFP and Title III. If a center claims reimbursement for a meal under the CCFP, it may not use any Title III funds to pay for the costs associated with that meal. This prohibition includes the commodity (or cash-in-lieu of commodity) benefit currently available under Title III, as well as any other funds or benefits provided under Title III. In spite of this prohibition, an adult day care center may use CCFP and Title III monies to fund different meals within the same meal service, or to fund different meal services (breakfast, lunch, dinner or snacks).

Adult day care centers which are participating in the CCFP and Title III should be advised that they must maintain documentation adequate to demonstrate compliance with these requirements.

If you have any questions on this, do not hesitate to contact our office.

for Edward F. Campbell
ANN C. HECTOR
Regional Director
Special Nutrition Programs